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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,883	08/12/2005	Hideki Komatsu	080306.56378US	8841
23911 7590 05/21/2008 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER CAVALLARI, DANIEL J	
			ART UNIT 2836	PAPER NUMBER
			MAIL DATE 05/21/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,883

Applicant(s)

KOMATSU ET AL.

Examiner

DANIEL CAVALLARI

Art Unit

2836

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5.6 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5.6 and 9-15 is/are allowed.
- 6) ☒ Claim(s) 9-11 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The Examiner acknowledges the amendments submitted 2/15/2008. The amendments to claims 5 and 12 are accepted.

Response to Arguments

Upon further consideration, a new ground(s) of rejection is made in view of Coffee et al. (US 6,611,755). The Examiner notes that although the same reference has been used, it has been applied slightly different than in the previous office action.

In response to applicant's arguments, "No where [sic] does COFFEE specifically reference an anti-theft device", the recitation of an "anti-theft device" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Applicant argues that "GPS LNA 219 is not a position detecting means, but rather merely an amplifier for an antenna used with the GPS system..." Albeit true, applicant's specification fails to disclose any particular limitations or components from which "position detecting means" is to be chosen from. Therefore, an antenna used with a GPS system properly reads on "position detecting means".

Applicant argues "microcontroller 216 in COFFEE merely serves to control power to tracker, which does not meet the limitations of Applicant's claimed processing means in claim 10". However, microcontroller 216 does more than control power as disclosed by COFFEE. COFFEE specification, column 45, lines 37-56

The CPU section 200 contains the power supplies for the tracker, **the main processor (central processing unit, or CPU) 203 to perform all data processing**, a GPS chip set... integrated with the processor for reception and decoding of GPS satellite signals, and sensor electronics and interfaces. The CPU section 200 **performs the navigation (partly through GPS navigation section 204 but also through dead reckoning and/or map matching or other navigation sensors via inputs to CPU 203)**, as well as data processing and sensor processing through the CPU 203.

Finally, applicant argues that "claim 10 utilizes means plus function limitations" and that "The Office Action fails to analyze this claim consistent with a proper statutory construction". The Examiner respectfully disagrees. The applicant has failed to provide and particular limitations or support in the specification wherein the "means plus function" has been improperly applied in the Office Action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the

United States and was published under Article 21(2) of such treaty in the English language.

Claims 9-11 & 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Coffee et al. (US 6,611,755).

In regard to Claim 10

A system provided with:

- A control system (Figure 25) arranged on a self-propelling movable object with an engine mounted thereon as a drive source and having a position detecting means for detecting a position of said movable object (201/219, Figure 25), a transmission/reception means (GPS antenna, figure 26) for performing a transmission/reception to/from an outside and a processing means (203/216, Figure 25) for performing predetermined processing operations including outputs of run commands to said position detecting means (turn on/off via turning power on/off) and said transmission/reception means, and a control server (10, Figure 1) arranged at a place different from said movable object for controlling information on said movable object, said information comprising position information detected by said position detecting means and transmitted via said transmission/reception means, characterized in that said antitheft system comprises:
- A clocking means (204, see "CPU CLK" signal, Figure 25 & Column 49, Lines 39-48), a first power feeding means (218, Figure 25) for performing feeding of power to at least said position detecting means (201/219), and a second power feeding means (217) for performing feeding of power to at least said clocking means

(204); and said processing means (203/216) receives signals from said clocking means, allows said first power feeding means to continuously feed power until a first predetermined time elapses from a time point at which a stop signal (ignition turned off) for said engine is inputted [Coffee teaches that once the ignition is turned off, an "ignition discrete" signal (226, figure 25) is sent to the CPU and power is turned off for time intervals or until the ignition is turned back on, see column 49, lines 39-47], and after an elapse of said first predetermined time (5-630 minutes), repeatedly outputs an instruction signal, which permits feeding of power, at predetermined time intervals to said first power feeding means (read on by the on signal sent to the first power supply to turn it on ["With the ignition off, CPU 203 is turned off for a prespecified time duration T2 (e.g., about 40 minutes). When the CPU is turned back on [] it can listen for any new messages or other data, respond and then turn off again". column 4, line 63 to column 50, line 6).

In regard to Claim 11

- Wherein said processing means reads said position information on said movable object as detected by said position detecting means whenever said instruction signal (read on by the on/shutdown signal, or particularly the "on" signal in this instance) which permits said feeding of power, is outputted at said predetermined time intervals to said first power feeding means, and after completion of said reading of said position information, instructs said first power feeding means to stop feeding of power (See Column 49, Line 63 to Column 50, Line 6) [The

Examiner points out the sleep mode wherein “When the CPU is turned back on, it can listen for any new message or other data, respond and then turn off again...”]

In regard to Claim 13

- An antitheft system according to claim 11, wherein, when a second predetermined time has elapsed subsequent to an elapse of said first predetermined time, said processing means instructs said transmission/reception means to transmit said position information on said movable object, which was detected lastly by said position detecting means, and a signal, which communicates that a transmission]reception to/from said outside via said transmission/reception means is disabled, to said control server [The Examiner notes that Coffee et al. teaches the power being periodically turned on and off and therefore after a second predetermined time (eg. second period), the transmission/reception means is powered off (disabled)].

In regard to Claim 9

Wherein, when said movable object is determined to have been stolen, said processing means outputs a instruction signal, which permits continuous feeding of power, to said first power feeding means (read on by the “Full on” mode, See Column 49, Lines 53-55).

Allowable Subject Matter

Claims 5, 6, 12, 14, and 15 are allowed for reasons indicated in the previous office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Cavallari whose telephone number is 571-272-8541. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (571)272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Sherry/
Supervisory Patent Examiner, Art Unit 2836

/Daniel Cavallari/

May 13, 2008